

Message Text

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 2002

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E.O. 11652: N/A

TAGS: BDIS, JA

SUBJECT: SALTON INC. VS MAINICHI TRADING COMPANY

REF: A) STATE 092481

B) TOKYO 5737

C)) 59(69 --275

D) STATE A-4547

BEGIN SUMMARY: EMBASSY MADE REPRESENTATION TO MITI (GOJ PATENT OFFICE) IN CASE OF MISAPPROPRIATION OF SALTON TRADE-MARKS. MITI OFFICIALS REQUEST SPECIFIC SUPPORTING EVIDENCE FROM SALTON, INC. IN ORDER TO CONSIDER INTERVENTION. END SUMMARY.

1. EMBASSY MADE REPRESENTATION TO MITI (GOJ PATENT OFFICE), STRESSING POINTS CONTAINED INREFTEL (A). ATTACHMENTS TO A-4547 WERE ALSO USED AS TALKING POINTS, AND ANOTHER COPY OF THESE ATTACHMENTS WAS LEFT WIT PATENT OFFICE OFFICIALS. REPORTING OFFICER ALSO INFORMED PATENT OFFICIALS THAT DEPARTMENT HAS REQUESTED FROM SALTON EXPORT TRADE STATISTICS WORLD-WIDE AND TO JAPAN AS SUBSTANTIATION OF SALTON POSITION THAT IS PRODUCTS ARE WELL-KNOWN IN JAPAN.

2. PATENT OFFICE OFFICIALS STATED THAT THE TEN REMAINING TRADEMARKS (REF.(B) AND REF.(C)) WOULD PROBABLY BE PUBLISHED IN JULY OR AUGUST 1974. WHILE THEY APPEAR SYMPATHETIC TO EMBASSY CONCERN OVER THE ALLEGED MISAPPROPRIATION OF THE SALTON TRADEMARKS AND CHARACTERIZE MR. HAYASHI OF THE MAINICHI TRADING COMPANY AS A CRAFTY BUSINESSMAN, THEY ADDED THAT THIS ALONE IS NO

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GROUND FOR REJECTING HIS APPLICATIKNS. THESE GOJ

OFFICIALS ARE ALSO AWARE THAT THE EMBASSY HAS FINALLY SUCCEEDED IN CONTACTING MR. HAYASHI, AND HE STATED THAT HE HAS NO INTENTION TO WITHDRAW THE TRADEMARK APPLICATIONS IN QUESTION.

3. IN ORDER TO GIVE FURTHER CONSIDERATION TO THE EMBASSY'S REQUEST FOR MITI TO INTERCEDE AND OBTAIN CANCELLATION OF THE REMAINING APPLICATIONS, THE PATENT OFFICIALS ASKED THE FOLLOWING:

A) WERE SALTON PRODUCTS IMPORTED IN SIZEABLE QUANTITIES IN JAPAN IN AND BEFORE 1972? WHICH SPECIFIC PRODUCTZ?

B) IS "SALTON" WIDELY ACCEPTED AS THE NAME OF SALTON, INC.?

C) IF SALTON PRODUCTS HAVE BEEN IMPORTED INTO JAPAN IN SIZEABLE QUANTITIES, WERE THEY IDENTIFIED WITH TRADE-MARKS ON THEM?

D) INVOICES WHICH SHOW SALTON TRADEMARKS ON THEM COVERING SALES OF SALTON PRODUCTS TO JAPAN WOULD BE EFFECTIVE SUPPORTING DOCUMENTATION.

THE DEPARTMENT IS REQUESTED TO ATTEMPT TO OBTAIN THIS INFORMATION FROM SALTON, INC. AND FORWARD IT TO THE EMBASSY FOR TRANSMITTAL TO MITI.

4. THE EMBASSY CONTINUES TO RECOMMEND THAT SALTON, INC. CONTACT THE JAPAN INSTITUTE OF INVENTION AND INNOVATION AND ARRANGE TO BE NOTIFIED OF PUBLICATION IN THE JAPANESE PATENT GAZETTE OF ANY APPLICATIONS FOR SALTON'S TRADEMARKS. (REF.-C)
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